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Innessa M. Huot
ihuot@faruqilaw.com

March 6, 2024

VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 17A
New York, NY 10007

Re: *Pierre v. City of New York, et al.*, No. 1:20-cv-05116-ALC-VF

Dear Judge Carter:

We write on behalf of Plaintiffs and Defendants B & H Foto & Electronics Corp., the City of New York, and the New York City Police Department (the City of New York and New York City Police Department, together, the “City Defendants”) to respectfully request a revised schedule for approval of the Settlement entered into by the parties. The schedule previously set by the Court (ECF No. 422) does not provide enough time for the Claimants to submit their Claim Forms before the forms need to be processed in order to meet the deadline to file settlement approval papers with the Court.¹

Additionally, Defendants required considerably more time to generate a Class List which included current addresses as well as social security numbers for approximately 1,000 individuals (as such information is maintained by two separate departments within the City Defendants’ organization). The parties worked together cooperatively to generate a comprehensive Class List and track down information Defendants could not readily obtain. The parties will now send this Class List to the Settlement Administrator who will require two (2) weeks to conduct its verification protocols, secure requisite approvals, and physically prepare the notices for mailing to the class.

The Claimants will then have a total of 75 days to submit their Claim Forms to join the Settlement. However, the 75-day deadline applies to notices that are post-marked within that

¹ For example, the Order is dated January 9, 2024 and provides that the parties have 3 days to generate a Class List and then 10 days to send Settlement Notices (13 days total). Once the Notices are sent, Claimants have a total of 75 days to submit their Claim Forms to join the Settlement (making it 88 days total). Yet, the settlement approval papers are due on March 14, 2024, which is only 75 days from January 9, 2024 (the date of the Order). Moreover, this assumes there is absolutely no processing time needed by the Settlement Administrator, to process the forms and generate a report, and also provides no time for counsel to obtain the Administrator’s Report and physically draft the settlement approval papers.



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deadline. It is common for Claimants to mail their forms on or around the deadline and for the Administrator to receive them up to one or two weeks after the deadline, and still need to process the valid forms for a few weeks after as they come in. As such, the Administrator typically needs approximately 30 days to obtain all the Claim Forms, finish processing them, and generate a detailed report that counsel will use to prepare the settlement approval papers. Counsel will then need to review the report and prepare a comprehensive final approval brief and all supporting papers, including client declarations, in support of final approval of the Settlement.

As such, the parties respectfully request that the Court permit the below revised schedule for approval of the Settlement:

Mailing of Settlement Notices and Claim Forms	March 22, 2024
Deadline for Class Members to Join the Settlement or submit written objections. (60 days from Mailing)	May 21, 2024
Last day for Class Members, who did not timely receive the Settlement Notice or were unable to file the Claim Form within 60 days due to extraordinary circumstances, to qualify as Authorized Claimants by filing Claim Forms to join the Settlement. ("Final Bar Date") (75 days from Mailing)	June 5, 2024
Settlement Administrator's report due to the parties. (30 days from the Final Bar Date)	July 5, 2024
Final Settlement Approval papers to be filed with the Court. (30 days from Report Date)	August 5, 2024
Fairness Hearing (Proposed one week after approval papers are filed, or any date/time preferred by the Court)	August 12, 2024 at 11AM (or any date/time preferred by the Court)

We thank the Court for its time and attention to this matter.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

Innessa M. Huot

Dated: March 7, 2024